

REMARKS

By this Preliminary Amendment accompanying the RCE, applicants have amended claims 1, 33, and 57 to clarify that the liquid composition comprising the antioxidant (whether delivered from a liquid carrier or a wipe) is left on the surface treated by the liquid composition to dry and form a film comprising the antioxidant. This language is clearly supported, for example, at page 6, lines 1-15 of the specification and no new matter is added by the change.

As discussed in greater detail below, applicants have also amended claims 1, 33 and 57 to delete reference to theaflavin digallate in view of possibly pertinent prior art brought to our attention in an Opposition filed relating to the corresponding European Patent. A copy of the Notice of Opposition and cited art (references D1-D7) is separately attached in an Information Disclosure Statement accompanying the present amendment.

Applicants first wish to emphasize several points in this response which applicants believe clearly highlight differences of the invention, as claimed, over U.S. Patent No. 6,228,821 to Sliva, the primary reference of record used by the Examiner.

First, to the extent the Examiner seems to suggest that reciting a film that is formed by the drying of the antioxidant composition could more clearly differentiate over the art (see page 6, past 2 lines of paragraph 8 of November 15, 2005 Office Action; and page 6, last 3 lines of paragraph 9 of June 8, 2005 Office Action), applicants have now amended claims 1, 33 and 57, as noted above, to clearly recite this difference. It is believed that this alone should overcome the Sliva reference.

Secondly, applicants again direct the Examiner's attention to the issue of concentrations. As the Examiner knows, applicant's lowest concentration of antioxidant is 0.01% (i.e., 10 parts per hundred thousand).

Although the Examiner seems to cite column 7, lines 54-55 (0.0000001% to 1%) as example of a range above our 0.01%, at column 7, lines 55-56 (and supported by column 3, lines 5-6) it very clearly states that levels greater than 0.001% (i.e., 10 parts per million) fail to achieve advantageous results. Specifically, the patent goes on to state that, at levels above this 10 ppm (0.001%), an enhanced fragrance effect is not produced. Indeed, at levels of 30 parts per million (more than 3 times less than our lowest level), there is said to be an objectionable odor in the composition despite presence of 2000 ppm fragrance in the composition.

In short, although the number 1% is recited, the reference clearly teaches away from use of anything higher than 10 parts per million (as counter productive), a concentration at least 3 times less than our lowest concentration.

Combining the concentration issue with the fact that our application relates to specific antioxidants (even further limited per the subject invention) relative to the broad class stabilizers used in Sliva (and which need not even necessarily be antioxidants; e.g., as noted at column 7, lines 38-39, the stabilizer can be antioxidant, reducing agent or mixtures); and further combining with the amendment to film formation, it is believed that the rejection over Sliva should be withdrawn.

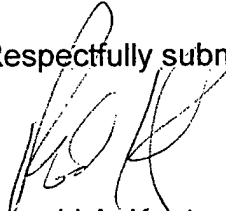
In view of this, it is respectfully requested that the Examiner withdraw the rejection over the claims and that the claims, as amended, be allowed.

As indicated above, applicants have also amended claims to remove theoflavin digallate as antioxidant. This is done primarily in view of Japanese reference D1 (translated to English as references D1a). It is believed that this amendment should clearly remove the use of the reference. No other reference cited in the European Opposition (D1-D7) is believed to require additional change to the claims. A copy of the Notice of Opposition and of references D1-D7 is attached with the IDS accompanying this amendment.

In view of amendments noted and discussion above, it is respectfully requested that claims, as amended, be allowed.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Koatz', is written over the typed name.

Ronald A. Koatz
Registration No. 31,774
Attorney for Applicants

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